

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2192 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA
and
Hon'ble MR.JUSTICE N.G.NANDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

DIPIPSINHJI PRATAPSIHJI

Versus

STATE OF GUJARAT THROUGH DY SECRETARY

Appearance:

1. Special Civil Application No. 2192 of 2001
MR MD VAKIL for Petitioners No. 1-4
MR. S.P. SEN, GOVERNMENT PLEADER for Respondents No. 1-3
RULE SERVED BY DS for Respondents No. 1-3

CORAM : MR.JUSTICE B.J.SHETHNA
and
MR.JUSTICE N.G.NANDI

Date of decision: 16/01/2002

1. The petitioners have made grievance in this petition that the payment of compensation under section 28-A of the Land Acquisition Act (for short the 'Act') have not been paid to them, though the entire procedure has been completed by the respondent No.2. It is therefore prayed that, the respondent no.2, i.e. Special Land Acquisition Officer, Narmada Yojna, Unit No.3, Ellisbridge, Ahmedabad, be directed to declare the award under section 28-A of the Act, and be further directed to pay the awarded compensation to them.

2. Rule was made returnable on 18-4-2001. Thereafter this matter was listed before us on 7-1-2002 and it was kept today at the request made by learned counsel for the parties. In spite of notice of rule has been duly served upon the respondents, so far no reply is filed in this petition, therefore, we are compelled to decide this petition without reply affidavit.

3. Learned counsel Shri. M.D. Vakil for the petitioners relying upon the Division Bench decision of this Court (Coram: M.R. Calla & D.H. Waghela, JJ) delivered in Special Civil Application No. 158 of 2001 submitted that, similar directions be issued in this matter, which were passed by this Court in aforesaid petition.

4. Considering the fact that the entire procedure is over but so far no decision has been taken under section 28A of the Act, and no compensation is paid to the petitioners, learned AGP Shri. Sen was not in a position to defend the inaction of respondent No.2, more particularly they have not even bothered file affidavit to this petition. However, Shri. Sen assures this Court that if suitable direction is issued, he will see to it that the same is complied with in letter & spirit.

5. In view of the above, there is no option for this Court but to allow this petition and accordingly this petition is allowed, with a direction to the respondents, more particularly respondent No.2 The Special Land Acquisition Officer, Narmada Yojna, Unit No.3, Ellisbridge, Ahmedabad to finalise the award within two months from the date of receipt of certified copy of this order, and pay the due amount of compensation to the petitioners within two months thereof. Rule made absolute accordingly, with no order as to costs.

Dt: 16-1-2002

(B.J. Shethna, J)

(N.G. Nandi, J)

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